

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

November 18, 1996

Business Meeting

**MINUTES**

The Board of Education and the Board of Vocational Education met for the regular business meeting in Conference Rooms D and E of the James Monroe Building in Richmond, Virginia, on Monday, November 18, 1996, with the following members present:

Ms. Michelle Easton, President  
Mrs. Lil Tuttle, Vice President  
Mr. Peter G. Decker, Jr.  
Mr. Rayford L. Harris, Sr.

Mrs. Kay Coles James  
Mr. Robert H. Patterson, Jr.  
Mr. R. Lee Ware  
Mrs. Cheri P. Yecke

Dr. Richard T. La Pointe  
Secretary and Superintendent of  
Public Instruction

Ms. Easton, president, presided and called the meeting to order at 9:15 a.m. Ms. Easton noted that Senator Bell would not be attending the meeting.

Dr. La Pointe introduced two new staff members at the Department of Education, Ken Whitehead, Chief Deputy and Jim Williams, Chief of Staff.

***Invocation and Pledge of Allegiance***

Mrs. Kay James gave the invocation and led the Pledge of Allegiance.

***Approval of Minutes***

Mrs. Yecke made a motion for approval of the minutes of the October 10 and October 24 meetings. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mr. Decker and carried unanimously.

### ***Approval of Agenda***

Ms. Easton stated that the Executive Session will be held during lunch and Item G, Requirement in the Standards of Quality (SOQ) for Local School Board Member In-Service Training, would be moved to after lunch. Mr. Decker stated that he would like for the Board to discuss the Title I funds that come into the state through the federal government. Ms. Easton stated that this will be done under the discussion of current issues.

The motion was made by Mrs. James, seconded by Mr. Harris, and carried unanimously for approval of the agenda as amended.

### ***Highlight on Students***

Monacan High School singers Evan Edwards, Eric Edwards, Barry Horbal and Jason Mannix performed. Mr. John Titus, Principal of Monacan High School explained that the group name is ABEAM® which means Brothers Entering A Mission. Mr. Titus also introduced Linda Edwards as the road manager for the group.

### ***Consent Agenda***

Mr. Decker made a motion to adopt the following items on the consent agenda:

Final Review of Financial Report on Literary Fund  
Final Review of Recommendations Concerning Applications for Literary Fund  
Loans  
Final Review of Recommendations Concerning Release of Literary Fund Loans  
for Placement on Waiting List

The motion was seconded by Mrs. Yecke and carried unanimously. Detailed information on the consent agenda items are in Appendix of the minutes.

### ***Final Review of Financial Report on Literary Fund***

The Superintendent's recommendation is for approval of the financial report on the status of the Literary Fund as of September 30, 1996.

### ***Final Review of Recommendations Concerning Applications for Literary Fund Loans***

The Superintendent's recommendation is for approval of three new applications in the amount of \$10,115,000 subject to final approval by the office of the Attorney General.

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COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Prince Edward County	Prince Edward High	\$5,000,000.00
Smyth County	Sugar Grove Combined	115,000.00
Montgomery County	Auburn Elementary	5,000,000.00
	<b>TOTAL</b>	\$10,115,000.00

**Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List**

The Superintendent's recommendation is that no funds be released as available funds are being held to meet statutory requirements. In addition, it is recommended that funding for three projects in the amount of \$10,115,000 be deferred and the projects placed on the First Priority Waiting List.

**First Priority Waiting List**

COUNTY, CITY OR TOWN	SCHOOL	AMOUNT
Prince Edward County	Prince Edward High	\$5,000,000.00
Smyth County	Sugar Grove Combined	115,000.00
Montgomery County	Auburn Elementary	5,000,000.00
	<b>TOTAL</b>	\$10,115,000.00

**Public Comment**

The following persons spoke during the public comment period:

Mary Willitts  
Vicki Messick  
James Murphy

Jerry O'Dell  
Charles Brown  
Lawrence Poeninelli

## ***DISCUSSION OF CURRENT ISSUES***

Ms. Easton congratulated Mrs. Yecke on the drafting of her report, Virginia Education Report Card which is a report on the status of public education in Virginia. A copy can be obtained from The Family Foundation.

Mr. Decker stated that the federal money that went to Title I is not being used for students where it is needed. Mr. Decker made a motion that a letter should be sent from the Board President to all school divisions stating that Title I funds should be used 100% for at-risk and disadvantaged children. Ms. Easton suggested that first a full report explaining how some of these situations can happen be placed on the January agenda and then send out letters. Mrs. James stated that the problem is not with the local school districts but with the formula that they are given as to how the money should be spent. Mrs. James stated the Board needs to find out whether the letter should go to the federal government or the local school divisions.

Ms. Easton stated that the Board will look at legislative issues coming up in this General Assembly session prior to the January meeting. She stated that the Board should contact other organizations to get their opinion on upcoming legislative issues.

Mr. Harris suggested that the Board needs to take a serious look at a recruitment effort to bring about an increase in males in the minority category for teachers in the state.

Ms. Easton requested data relating to the amount of federal personnel and amount of state personnel and resources required to implement federal programs that the state participates in.

## ***ACTION ITEMS***

### ***Second Review of Recommendations for the Virginia Schools for the Deaf and the Blind***

Mr. Ware gave a summary of the recommendations from the subcommittee as follows: (1) The Department of Education should establish an internal supervisory (day-to-day) position which will have line authority over superintendents at the two schools for the Deaf and Blind. The person in this position must have training in special education and administration. This position also will coordinate community relations; (2) The Department of Education should conduct an analysis of the residential component of the school programs to determine if adequate personnel and procedures are available to ensure student safety and a conducive learning environment. This analysis should include roles, responsibilities, and pay grades of employees; (3) In addition to Code of Virginia and Standards for the Interdepartmental Regulations of Children's Residential Facilities in Virginia requirements, the Department of Education should direct the schools to develop specific residential life policies that will ensure

the immediate notification of local and/or state police involving any incidents of abuse.

Mr. Ware made a motion to adopt the recommendations as a first step. Mr. Decker seconded the motion, and the motion carried unanimously.

**Final Review of a Study on Alternative Pathway for Teacher Licensure for Certain Persons, HJR No. 247**

Dr. Thomas Elliott stated that a thorough in-depth study was not conducted as the General Assembly resolution required because the Board of Education already has an alternative pathway to licensure. The Board's alternative pathway was established in 1983.

This five-year, renewable license is available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate) who does not hold a baccalaureate degree but has exhibited academic proficiency, technical competency, and occupational experience. Individuals seeking the Technical Professional License are not required to complete the professional teacher's assessment requirement (Praxis I/Specialty Area test). Professional studies course work is required; however, school divisions may submit an alternative plan (training such as seminars, internships, course work, etc.) to the nine hours of traditional course work including teaching strategies, curriculum design and development, and classroom management.

The study, in response to the General Assembly resolution, recommends that the definition of the Technical Professional License be expanded to include those individuals with or without a four-year degree who have gained expertise through job-related experience. Such a recommendation will have to be reviewed by the Advisory Board on Teacher Education and Licensure (ABTEL). The regulations would then be approved by the Board of Education and subject to the requirements of the Administrative Process Act (APA). This recommendation will be reviewed by the Advisory Board during a scheduled meeting on December 1, 1996.

Mr. Harris made a motion that the Board receive the study and approve transmittal to the Governor for the 1997 General Assembly. Mrs. James seconded the motion, and the motion carried unanimously.

**First Review of the Board of Education's Report on the Status of Education**

Section 22.1-18 of the Code of Virginia requires the Board of Education to submit to the Governor and the General Assembly a report on the condition and needs of public education in Virginia and to identify school divisions and schools that have failed to meet prescribed Standards of Quality.

Ms. Easton requested the following items be added to the report:

\$ Page 4 - add a chart provided by Ms. Tuttle.

- \$ Page 15 - add a paragraph mentioning how pleased the Board is that the Literacy Fund is being used for construction as it should be.
- \$ Add a report from State Council of Higher Education for Virginia (SHEV) which list every school in the state the children who go to college who need remedial work. Ms. Easton stated that the copy she had was 1993-94. Ms. Yecke stated that 1993 was the most current report because funding was not provided to do another report. Ms. Easton stated that she would like to see a legislative recommendation on this. The decision was made to include the 1993 report and note that this is the most current report.

Mrs. Tuttle made a motion to accept the report on first reading as the final with the addition of the three items. Mrs. James seconded the motion, and the motion carried unanimously.

**Report on the Special Education Complaints System and Response to Recent Inquiry Regarding Complaint Findings in Hampton City Public Schools**

During the public comment period of the last Board meeting, information was requested on special education complaints system and recent findings relative to caseloads and the use of paraprofessionals= service for visually impaired students in Hampton City Public Schools. Hampton was not found in noncompliance in relation to caseloads because currently state law does not require program standards that issue a pupil teacher ratio in this area.

Mrs. James asked why there are no program standards and caseload requirements for the visually impaired. Dr. DeMary responded that there are no caseload or class size requirements for students with visual impairments because this provision was given in the Code of Virginia to the Virginia Department for the Visually Handicapped to supervise the instruction or assist school division in establishing, maintaining, and operating programs for the visually impaired. Dr. DeMary stated that a change would require a change in the Appropriations Act, and additional funding. Ms. Easton stated that recommendations based on questions asked be made at a future meeting.

**First Review of Appointments to the Proprietary Schools Advisory Committees**

The Superintendent's recommendation is (1) that the Board of Education review the profiles of nominations received and appoint three representatives on the Propriety School Guaranty Fund Advisory Committee to serve three-year terms effective March 1, 1997 to April 30, 2000. Two appointments should be school affiliated individuals and one should be a non-

school affiliated individual and (2) that the Board of Education review the profiles of nominations received and appoint two members to the Proprietary Schools Advisory Committee to serve two-year terms effective March 1, 1997 to April 30, 1999. One position should represent the career school industry and the other appointment should be from the general public.

**First Review of the Annual Report on the Accreditation Status of Public Schools in Virginia**

The Superintendent-s recommendation is that the Board of Education accept the Annual Report on the Accreditation Status of Public Schools in Virginia and that the juvenile correctional centers operated by the Department of Correctional Education be accredited as alternative schools. It is also recommended that the current status of all the public schools in the Commonwealth be extended until July 1, 1998 to allow sufficient time for the development and implementation of a new system for assessing the status of schools based on new standards currently being developed.

Mrs. Tuttle made a motion to accept the Annual Report on the Accreditation Status of Public Schools in Virginia and the juvenile correctional centers operated by the Department of Correctional Education be accredited as alternative schools. Mrs. Yecke seconded the motion, and the motion carried unanimously.

**Promulgation of Regulations Governing Projects for Regional Alternative Education Programs for suspended and Expelled Students Under Exemption B, ' 9-6.14:4.1, of Code of Virginia**

The Superintendent-s recommendation is that the Board of Education should use the exemption provided in ' 9-6.14:4.1, B.4, and dispense with the public procedures provided in ' 9-6.14:7.1 and 9-6.14:8., and have the regulations formally and finally adopted by the Board, with a signed order by the Board of Education president.

The Board accepted the regulations as a first reading and will review it again in January.

**First Review to Begin the APA Process for Revising Regulations Governing School Building Construction in Virginia**

The Superintendent-s recommendation is for the Board to grant approval to the Department to proceed through the Administrative Process Act to promulgate reviewed regulations.

Ms. Easton requested a summary of the regulation. Mrs. Yecke requested a copy of the 1991 report.

Mrs. Tuttle requested a chart be made in order for the Board to know all sections of the Code of Virginia that will impact decisions made on this regulation.

The review was accepted as a first reading.

### ***EXECUTIVE SESSION***

Mrs. Tuttle made a motion that the Board of Education go into executive session under Virginia Code '2.1-344.A.1, specifically to discuss personnel matters relating to The Virginia School for the Deaf and Blind, '2.1-344.A.11 to discuss test, examination, and documents relating to student performance, employee qualifications for professional licensure relating to requests that were tabled at the October 24 Board meeting, '2.1-344.A.7 for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel, specifically related to the case of Reinhold vs. The Virginia School for Deaf and Blind in Hampton and administrative matters concerning correspondence from the Office of Civil Rights. Mrs. Yecke seconded the motion and the Board went into executive session at 12:15 p.m.

Ms. Easton made a motion that the Board certify by roll call that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board.

#### **Board Roll Call:**

Ms. Easton - Aye  
Mrs. Tuttle - Aye  
Mr. Harris - Aye  
Mrs. James - Aye  
Mrs. Yecke - Aye

Mr. Decker was absent during roll call. Mr. Ware abstained but gave his word that the Board did, in fact, follow procedures.

The Board reconvened in public session at 1:35 p.m.



Mrs. Tuttle made a motion that the Superintendent's recommendation with regard to licensure discussed in executive session be adopted. Mrs. Yecke seconded, and the motion carried unanimously.

## **ACTION ITEMS**

### **Report on the Results of the Summer, 1996 Administration of the Literacy Passport Test (LPT) and on Students Not Graduating Based on Their LPT Status**

The report highlighted results of the first summer administration of the LPT and provided the number of students who did not graduate in the Spring of 1996 due to their LPT status, and results of a survey of students who were tested in the summer of 1996 regarding the remediation they received.

### **Requirements in the Standards of Quality (SOQ) for Local School Board Member In-Service Training**

Mrs. James made a motion, seconded by Mr. Decker, and all carried except Mr. Ware, who opposed to adopt the following resolution:

**WHEREAS Standard 5 of the Standards of Quality for public schools in Virginia requires that:**

**C. The Board of Education shall sponsor, conduct and provide advice on . . . (ii) in-service programs for school board members on personnel, curriculum and current issues in education; and**

**WHEREAS Standard 5 of the Standards of Quality for Public Schools in Virginia also requires that:**

**D. Each local school board shall (i) require its members to participate annually in in-service programs on personnel, curriculum, and current issues in education as part of their service on the local board . . .; and**

**WHEREAS local board are required to comply with these provisions, and the state Board is authorized to seek local board compliance with them; and**

**WHEREAS Supt. Memo No. 2 dated January 18, 1989, stated in part that the present time, the only approved way that a school board member will be in compliance with this requirement is to attend a VSBA Academy Advisory Committee of the Board of Education, and the Superintendent of Public Instruction; and**

**WHEREAS the Virginia School Boards Association was identified as the entity responsible for monitoring events attended and certifying by an annual report to the state board the extent to which local board members had complied with the**

requirements of Standard 5. D; and

WHEREAS in June, 1995, the President of the Board of Education, James P. Jones, received a letter from the President of VSBA and its Executive Director, conveying the Association's decision to discontinue monitoring the status of local board members for compliance with the in-service provision; the reason given was the fact that All other requirements as outlined in the Standards of Quality are reported directly to the state Superintendent for Public Instruction and Board of Education . . . , and

WHEREAS, according to the Virginia School Board Association, as of July 1, 1996, 62% of local school board members are now elected, rather than appointed, providing for direct accountability to the citizens of their locality; and

WHEREAS, due to the above, it is the Board's intention to propose eliminating this requirement when next the Standards of Quality are revised, now, therefore, be it

RESOLVED that, for the purposes of compliance with the provisions of Standard 5.D, each local school board member shall choose their own annual in-service training on personnel, curriculum and current issues in education, and be it

FURTHER RESOLVED that, in the event of a dispute between a local school board and the member concerning the appropriateness of the in-service program for meeting Standard 5.D, the Board of Education will determine whether Standard 5.D has been or would be met by the chosen in-service program, and be it

FURTHER RESOLVED that the Board encourages local boards to make available to the public, upon request, information on such training as local board members choose, and be it

FURTHER RESOLVED that compliance with the requirement for in-service training for local school board members shall be certified to the state Board of Education in the same manner as are other provisions of the Standards of Quality.

### **Revision of the Standards of Accreditation**

The Superintendent's recommendation is for the staff continue to work on defining the direction and focus for the revision, in consultation with the Board President and Vice-President. In addition to reviewing public comment received to date, the Superintendent will solicit specific input from local superintendents to guide an initial draft of the revision.

### **Adjournment**

There being no further business, Ms. Easton adjourned the meeting of the Virginia Board of Education and the Board of Vocational Education at 2:20 p.m.

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President